IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

WRIT PETITON NO. 767 OF 2006 (MS)

Ram Avtaar,
S/o Late Hukum Chand,
R/o House No. 53 Old Tehsil Roorkee,
Pargana & Tehsil Roorkee, District Haridwar.

.....Petitioner.

Versus

1. Additional District Judge/1st F.T.C., District Haridwar.
2. Smt. Gyan Prabha Singhal, W/o Sri Vinod Kumar Singhal, R/0 423 Old Tehsil Roorkee, Pargana & Teshil Roorkee, District Haridwar. .....Respondents.

Dated: 21.06.2006

Hon'ble Rajesh Tandon, J.

Heard Sri Sharad Sharma, Advocate for the petitioner, Sri Lok Pal Singh, Advocate for the respondent no. 2 and Standing Counsel for the respondent no. 1.

By the present writ petition, the petitioner has prayed for a writ of certiorari quashing the order dated 18th April, 2006 passed by the respondent no. 1 (Annexure No. 4 to the writ petition).

Briefly stated, a suit was filed before the Judge Small Causes Court praying for eviction of the petitioner. During the pendency of the suit the petitioner has filed an application Paper No. 17-Ga and the objection 18-Ga. The same has been disposed of.

Sri Lok Pal Singh appearing on behalf of the respondent no. 2 has raised the objection that this Writ Petition under

Article 227 of the Constitution of India is not maintainable as the statutory remedy is available to the petitioner under Section 25 of the Provincial Small Causes Courts Acts.

In view of objection raised by the respondent, liberty is given to the petitioner to filed the revision under section 25 of the Provincial Small Causes Courts Act challenging the orders passed by the Addl. District Judge 1st F.T.C. Roorkee.

The certified copy of this order as well as the formal order along with the writ petition shall be returned to the petitioner within a period of 24 hours in order to enable him to file the revision under Section 25 of the Provincial Small Causes Courts Act.

In view of the above, writ petition is dismissed on the ground of alternative remedy. No order as to costs.

(Rajesh Tandon, J.)

21.06.2006
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